

A  
REVIEW  
OF THE  
STATE  
OF THE  
BRITISH NATION.

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Saturday, January 29. 1709.

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I Gave you some Heads in my last, as the ground Plot of an Enquiry into the Affair of the late Invasion, and spoke a little of the Encouragements, which the *French* had last Year to make such an Attempt.

I would have no Body think I am closing their Eyes, as if we were in no Danger of the *French*, and think, that because they were beaten every where last Year, they can do nothing this—— And truly the great, if not the only Reason, why they should make another Attempt in *Scotland* if they can, seems to me to be, because really they have nothing else for it, no other Game to play, or any other Place to point at, but where we are in a Manner invulnerable.

That they really in Point of their own Interest ought to make such an Attempt, and have no other Way to prevent their own Destruction, I shall readily grant; but that they are equally able to do it as before, that we are equally unprovided to receive them either at Land or Sea, and that the People will be equally surpriz'd at the Attempt as before, I cannot grant.

Before therefore I go on with the Methods of Enquiry into this Matter, I must note—— The *French* can, and the *French* cannot invade *Scotland*—— I explain myself thus—— They can at any Time send a Ship, Two, Three, Four or Five, more or less, and venture the young Pretender on Shoar in the Mountains; they may

may furnish him with Men and Ammunition a little and a little at a Time, and depending on the *Higbland* Zeal for *Jacobite* Interest, they may raise Disturbance and make Mischief in the Country—And as *Scotland* is situated, it is impossible to prevent this, tho' you really had the whole Navy there to guard the Coast: Let any Man examine the Scituation of *Scotland*, open to the *West*, full of Isles, innumerable Creeks, Coves, Bays and Harbours, where they may run in unseen, and run up too high to be follow'd—By this Method the *French* may indeed run upon you, and give you some Disturbance—Nor would an Army kept on Shoar there be able to prevent this; for as it is impossible to quarter or sublist Troops upon the whole Coast, and as the Hills are in many Places not easie to be pass'd by Troops in a Body, and not safe to be pass'd by small Parties—So it will for ever be true, that a small Force, and a Prince of far less Power than the *French* King, might at any time invade you; so the Earl of *Argyle* invaded King *James*, so the Viscount of *Dundee* struggled with the Revolution, and the old Marquis of *Montrose* invaded them, when the whole Nation was upon a Settlement of meer Force, and had a great standing Army on Foot, and all these with a trivial Force. This Sort of Invasion therefore we must always be subject to, and it is our Business to be as well prepar'd to meet such a Force, as we can.

But that the *French* can, with a naval formidable Force, a Fleet and Army, as last Year, invade *Scotland*; I must acknowledge, I see no Reason he has to hope for Success in it, or that we have to be apprehensive he shall succeed in it—

But pardon me, Gentlemen, again, I do not mean by apprehensive, that we should be so little apprehensive as not to put our selves in a Posture to receive him: 'Tis from our Posture to receive him and prevent him, that I would argue our Safety, our vigilant and vigorous, watching and opposing the Enemy—It is impossible, any Navy can be fitted out, any Army ship'd, any Stores brought together, but we must have Intelligence of it—And it is impossible, but we may have Ships ready to guard the Coasts, and follow at the Heels.

It is true, they may land in remote Parts, and so they might have done last Year, tho' your Fleet was in the *Firth*: But it is not remote Landing will answer their End, it was the taking the Capital, making themselves formidable, and thereby encouraging the Men of Fortunes, Estates, and Interests to come in, that they might make a bold Stand, and give a Shock to our other Affairs both abroad and at home—This is what we are to prevent, and I see no Ground to fear, we shall not prevent it—As to their Landing any where in the *North*, and the *Jacobite* Interest going to the Hills, as they call it, that is joyning with them, we ought to be always in a Condition, both to expect and resist it—And at the same Time not to be dismay'd at it; it is impossible to prevent it, but it is not impossible to put *Scotland* into such a Posture, and to hamper the *Jacobite* Interest so much in those Parts, as to put us out of any great Danger from such an Attempt. And of this I shall treat by it self.

## MISCELLANEA.

I Am now to examine the Request of those People, who desire to be plac'd on an equal Foot with their Brethren in *Scotland*, that is in short to be free from Arrests in *mean Process*——And as I have already own'd the Necessity and Usefulness of Arresting upon Personal Credit, so I told you, that if we were under the same Circumstance as to Personal Liberty with the People of *Scotland*, it would be worse for the Trading Part of the Nation than it is now, I mean, worse for the Debtor.

For Example—Suppose in *Scotland* a Man owes me 50 l. and I either suspect his Foundation or his Credit declining, and he delays Payment, and I am thinking of Ways to secure my Debt——It is true, I cannot attach his Person——My next Enquiry is, what Effects has he, or who has any Goods of his in their Hands? And I can go to all the People that owe him any Money, or have any Goods or Effects of his in their Hand, and arrest those Effects.

It is true, I shall not as in our common City Attachments go on to condemn the said Effects, and in Default of the Debtors defending it, receive the said Effects; but the Consequences are worse still. For,

1. This puts a general Stagnation upon the Tradesman's Business; his Debtors shall not pay him; if he rents a Warehouse, his Landlord shall not let him take his Goods; if he has Horses in a Stable, or Cattle in a Field, he shall not take them away, and yet is bound to feed them there too.
2. It blasts his Reputation at once, for it is presently publick and known all over the Town, and he may as well shut up his Shop, and break at first.
3. Being thus bound up, if he does not make an End with the Plaintiff, he can receive no Debts till the Law Suit is ended, and in the mean time his Debtors break and become insolvent, and so the Man is ruin'd.

4. And which is worst of all, this may be done by a Sham to gratifie private Malice and personal Pique, when the real Debt perhaps will not bear it out, of which I had an Experiment there try'd upon my self, tho' to little Purpose.

Put all these Things together, and let any Man tell me, if it is not much better for a Tradesman, that his Person be liable to an Arrest in *mean Process*, and his Goods remain free till after Judgment; or that his Goods or Effects should be liable in *mean Process*, and his Person remain free till Judgment, for it is no longer free in *Scotland*.

Having therefore gone thus far, and granted the Necessity as well as Advantage of arresting and imprisoning the Person of a Debtor in *mean Process*, &c. I doubt not, our hot and merciless Creditors will think themselves justify'd from hence in all their Extremes of Arrests, Executions, Statutes, Dead-Warrants, and implacable Prosecutions, which is the Grievance of this Nation.

But with the Help of some Patience they may see themselves deceiv'd in that Case too——It is evident, that the true Intent of the Law, in putting the Liberty of the Debtor into the Power of the Creditor, is to force him by that Severity to strain all the Strings of his Capacity, as well his own as that of his Friends, to bring himself out by paying or securing the Debt.

When the Man's Distresses appear to be come to that Height, that he can neither by himself or by his Friends raise any Thing, or any Thing sufficient, to pay his Debts; then comes in the Scripture Query, which not a Creditor in *Britain* will pretend to answer, *Why shouldst thou take his Bed from under him?* Which it seems Natural to expound; It is barbarous, inhuman, and contrary to that Sympathetick Tenderness, with which GOD has furnish'd all his rational Creatures, or that merciful Temper which is recommended to be us'd to a Beast, *A merciful*

sub.

ful Man is merciful to a Beast; and lastly I say, it implies a strong Negative, or a Command, if he has Nothing to pay, thou shalt not take his Bed from under him. How well this Command is observ'd in this Nation, I leave for a farther Enquiry.

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